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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,312

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Daiji Ido

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EXAMINER

MAPA, MICHAEL Y

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,312	Applicant(s) IDO ET AL.	
	Examiner Michael Mapa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following claims:

Claims 1 – 21 have not been amended.

The applicant has only presented arguments regarding the previous action and has not presented a claim sheet that discloses whether the claims have been amended or not. For the purpose of the examination and the rejection provided below, the examiner will interpret Claims 1 - 21 as not having been amended.

Response to Arguments

2. Applicant's arguments filed on 02/04/09 have been fully considered but they are not persuasive.

With regards to the applicant's argument that the provisional application 60/516351 of Haberman fails to disclose "a data sort section that, based on said cell information contained in said distribution data received by said receiving section, and information of said area to which the station itself belongs, determines a priority of said distribution data and arranges said distribution data in order starting with distribution data for which said priority is highest." The examiner respectfully disagrees. The provisional application 60/516351 of Haberman discloses "a data sort section that,

Art Unit: 2617

based on said cell information contained in said distribution data received by said receiving section, and information of said area to which the station itself belongs, determines a priority of said distribution data and arranges said distribution data in order starting with distribution data for which said priority is highest” **(Page 2, Numbers 10 – 11 of Haberman, wherein Haberman discloses receiving content from multiple transmitters filtering and organizing the content in any manner desired such as based on type, relevance, geographic location, proximity or selected priority, therefore a data sort section, determining the priority of the data and arranging the data based on the priority).**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 7, 9 – 18 and 20 - 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Haberman et al. (US Patent Publication 2005/0113115 herein after referenced as Haberman).

Regarding claims 1 and 12, Haberman discloses a terminal apparatus and method comprising:

“A receiving section that receives distribution data containing cell information, which is information for identifying an area specified by a cell” (Paragraph [0120] & Paragraph [0221] of Haberman, wherein Haberman discloses a receiver (112) and the mobile device receiving a transmission including a broadcast with informational content and location-identifying information).

“A data sort section that, based on said cell information contained in said distribution data received by said receiving section, and information of said area to which the station itself belongs, determines a priority of said distribution data, and arranges said distribution data in order starting with distribution data for which said priority is highest” (Fig. 5 and Paragraph [0127] & [0139], wherein Haberman discloses software for organizing and filtering informational content and displaying relevant information to the user and ordering the received broadcasts according to increasing transmitter proximities).

“A display section that displays said distribution data in an order in which it has been arranged by said data sort section” (Paragraph [0121] & Paragraph [127], wherein Haberman discloses a display screen to display the information organized and filtered by the software).

Regarding claims 2 and 13, Haberman discloses the terminal apparatus and method according to claim 1 or claim 12, wherein:

“Said receiving section receives said distribution data containing said cell information of said area specified by a plurality of cells” (Paragraph [0120] & [0221]).

“Said data sort section makes said distribution data containing said cell information of said area to which the station itself belongs highest-priority distribution data” (Fig. 5 and Paragraph [0127] & [0139]).

Regarding claims 3 and 14, Haberman discloses the terminal apparatus and method according to claim 1 or claim 12, wherein:

“said receiving section receives said distribution data containing said cell information of said area specified by one cell” (Paragraph [0120] & [0221]).

“said data sort section determines a priority of said distribution data based on said cell information and information of the local cell, which is said area to which the station itself belongs” (Fig. 5 and Paragraph [0127] & [0139]).

Regarding claims 4 and 15, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14, wherein

“said data sort section makes a priority of said distribution data containing said cell information indicating the local cell the highest priority, and among said distribution data containing said cell information indicating other cells, arranges said distribution data so that the farther a cell is from the local cell, the lower is its priority” (Fig. 5 and Paragraph [0127] & [0139]).

Regarding claims 5 and 16, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14, wherein:

“said receiving section receives said distribution data containing location information which is information indicating a location for each area narrower than said cell information, and said cell information” (Paragraph [0130], wherein Haberman discloses the informational content to be a list of stores within proximity to the device is displayed).

“said data sort section, among said distribution data containing said cell information indicating the local cell, arranges said distribution data so that the nearer a location of said location information is to its own location, the higher a priority thereof is made” (Fig. 5 and Paragraph [0127] & [0139]).

Regarding claims 6 and 17, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14, further comprising a

“received signal strength measuring section that measures received signal strength in each cell from a received signal” (Paragraph [0145], wherein Haberman discloses measuring the received signal strength to determine proximity, therefore a received signal strength measuring section).

“wherein said data sort section arranges said distribution data so that the higher the received signal strength measured by said received signal strength measuring section of a cell indicated by said cell information contained in said distribution data, the higher a priority thereof is made” (FIG. 6, Paragraph [0145]).

Regarding claims 7 and 18, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14, wherein

“said display section displays said distribution data for which said priority is

Art Unit: 2617

greater than or equal to a threshold value” (Paragraph [0173], wherein Haberman discloses a predetermined proximity (threshold value)).

Regarding claims 9 and 20, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14, further comprising a

“channel selection section that selects a channel based on local cell information, and said cell information and channel information which is information of a channel that distributes broadcast program data that are contained in said distribution data received by said receiving section, wherein said display section first displays said broadcast program data distributed using said channel selected by said channel selection section” (Paragraph [0071] & [00175], wherein Haberman discloses informational content to be on separate channels as well as disclosing the informational content is presented for the broadcast selected from the list by the user, therefore a channel selection section)

Regarding claims 10 and 21, Haberman discloses the terminal apparatus and method according to claim 9 or claim 20, wherein

“said channel selection section selects a channel of said channel information contained in said distribution data containing said cell information of the local cell” (Paragraph [0071] & [00175], wherein Haberman discloses informational content to be on separate channels and the informational content is presented for the broadcast selected from the list by the user, therefore a channel selection section)

Regarding claim 11, Haberman discloses “a distribution server that transmits said distribution data to the terminal apparatus according to claim 3” (Paragraph [0220] of Haberman, wherein a first party (distribution server) receives informational content from

Art Unit: 2617

a plurality of second parties for and transmits all the informational content in a single broadcast) said distribution server comprising:

“a location information providing section that includes said cell information in content” (Paragraph [0220] of Haberman, wherein Haberman discloses maintaining in a database the received informational content pertaining to the specific locations in association with the received location-identifying information).

“a transmitting section that transmits said content in which said cell information has been included by said location information providing section to said terminal apparatus as said distribution data” (Paragraph [0220] of Haberman, wherein Haberman discloses transmitting with a wireless transmitter a transmission including a broadcast having the received informational content and the received location-identifying information)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haberman et al. (US Patent Publication 2005/0113115 herein after referenced as Haberman).

Regarding claims 8 and 19, Haberman discloses the terminal apparatus and method according to claim 3 or claim 14. In addition, Haberman discloses a full display mode (presenting all the preferred informational content) and a partial display mode (Haberman discloses either presenting the information within a determined proximity or presenting the information nearest to the mobile device, as well as disclosing presenting a list of the preferred informational content especially if numerous broadcast are determined rather than presenting all preferred informational content (Paragraph [0174] & [0175]))

Haberman fails to explicitly recite “display switching section that selects a partial-display mode in which said distribution data for which said priority is greater than or equal to a threshold value is displayed by said display section, or a full-display mode in which all received said distribution data is displayed by said display section,

wherein said display section displays distribution data for which said priority is greater than or equal to a threshold value when said partial-display mode is selected by said display switching section, and displays all received distribution data when said full-display mode is selected by said display switching section.”

However, the examiner maintains that it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate both methods of presenting the results as either a partial display or a full display, the motivation for the combination being to further create a more user friendly mobile device, by providing the feature of giving the user the option of deciding and customizing which display the user prefers.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617